

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MIDAMERICAN ENERGY COMPANY	DOCKET NO. E-21355
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PROPOSED DECISION AND ORDER GRANTING FRANCHISE

(Issued September 8, 1999)

On February 23, 1998, MidAmerican Energy Company (MidAmerican) filed a petition, identified as Docket No. E-21355, with the Iowa Utilities Board for a franchise to erect, maintain, and operate approximately 2.70 circuit miles (1.35 linear miles) of 161 kV nominal voltage double circuit electric transmission line in Woodbury County, Iowa. In its petition, MidAmerican requested the right of eminent domain.

On December 17, 1998, the Iowa Utilities Board issued an Order assigning the case to an administrative law judge.

MidAmerican subsequently advised Board staff it was considering a route different than that proposed in the petition. On February 8, 1999, Mr. Donald Stursma sent a letter to MidAmerican advising that no further action on the petition would be taken until MidAmerican notified Board staff of its decision regarding the route.

On May 5, 1999, MidAmerican filed revisions to its petition which changed the proposed route. The revised petition seeks a franchise to erect, maintain, and operate approximately 1.70 miles of 161 kV nominal voltage double circuit electric

transmission line, and approximately 0.38 mile of 69 kV nominal voltage underbuild, all in Woodbury County, Iowa. MidAmerican no longer seeks the right of eminent domain.

In its petition, MidAmerican states that electric load in the area of MidAmerican's Morningside substation in Sioux City, Iowa has grown significantly, and is expected to continue to grow. MidAmerican further states that the Morningside substation is operating near its capacity, and MidAmerican proposes to increase capacity by upgrading the substation to 161,000 volt operation. The electric line proposed in the petition is to serve this upgraded substation.

FINDINGS OF FACT

1. No objections to the revised petition have been filed as provided for by IOWA CODE Chapter 478 (1999). (9/7/99 Staff Memo)
2. Notice of the informational meeting was given, the informational meeting was held, and notice of the revised petition was published as required by IOWA CODE Chapter 478 (1999). (Petition, Proof of Publication, Proof of Payment)
3. MidAmerican has filed an agreement to pay all costs and expenses of this franchise proceeding pursuant to IOWA CODE § 478.4 (1999). (Petition, paragraph VIII)
4. The proposed transmission line is necessary to serve a public use. This conclusion is based on information provided pursuant to IOWA CODE Chapter 478 (1999). (Petition)

5. The proposed transmission line represents a reasonable relationship to an overall plan of transmitting electric energy in the public interest. This conclusion is based on information provided pursuant to IOWA CODE Chapter 478 (1999). (Petition)

6. The proposed transmission line will meet or exceed the minimum engineering requirements of the rules of the Board and will conform to the requirements of IOWA CODE Chapter 478 (1999). (9/7/99 Staff Memo, Petition)

7. MidAmerican has not requested it be vested with the right of eminent domain. (Petition)

8. The majority of the proposed transmission line is near and parallel to division lines of land (a section line and a half-section line) consistent with IOWA CODE § 478.18 (1999). (Petition, 9/7/99 Staff Memo)

CONCLUSIONS OF LAW

1. The Utilities Board has jurisdiction of the parties and subject matter pursuant to IOWA CODE Chapter 478 (1999).

2. The Utilities Board has authority pursuant to IOWA CODE Chapter 478 (1999) to grant franchises for the construction, erection, maintenance, and operation of certain electric transmission lines outside cities in the state for the transmission, distribution, or sale of electric current within the state. IOWA CODE § 478.1 (1999). MidAmerican has met the requirements of IOWA CODE Chapter 478 (1999) and 199 IOWA ADMIN. CODE Chapter 11, and a franchise should be issued to MidAmerican for the transmission line described in the petition.

IT IS THEREFORE ORDERED:

1. The petition is granted. If this proposed order becomes the final order of the Board, a franchise will be issued to MidAmerican Energy Company to construct, erect, operate, and maintain an electric transmission line as specifically described in the amended petition.

2. The Utilities Board retains jurisdiction of the subject matter in this docket pursuant to IOWA CODE Chapter 478 (1999), and may at any time during the period of the franchise make such further orders as may be necessary.

3. This proposed order will become the final order of the Utilities Board unless appealed to the Board within fifteen days of its issuance. IOWA CODE § 17A.15(3)(1999).

IOWA UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Raymond K. Vawter, Jr.
Executive Secretary

Dated at Des Moines, Iowa, this 8th day of September, 1999.